

112TH CONGRESS
1ST SESSION

H. R. 2060

To amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2011

Mr. WALDEN introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Central Oregon Jobs
5 and Water Security Act”.

6 **SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.**

7 Section 3(a)(72) of the Wild and Scenic Rivers Act
8 (16 U.S.C. 1274(a)(72)) is amended as follows:

1 (1) By striking “15-mile” and inserting “14.75-
2 mile”.

3 (2) In subparagraph (B)—

4 (A) by striking “8-mile” and all that fol-
5 lows through “Bowman Dam” and inserting
6 “7.75-mile segment from a point one-quarter
7 mile downstream from the toe of Bowman
8 Dam”; and

9 (B) by adding at the end the following:
10 “The developer for any hydropower develop-
11 ment, including turbines and appurtenant facili-
12 ties, at Bowman Dam, in consultation with the
13 Bureau of Land Management, shall analyze any
14 impacts to the Outstandingly Remarkable Val-
15 ues of the Wild and Scenic River that may be
16 caused by such development, including the fu-
17 ture need to undertake routine and emergency
18 repairs, and shall propose mitigation for these
19 any impacts as part of any license application
20 submitted to the Federal Energy Regulatory
21 Commission.”.

22 **SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.**

23 Section 4 of the Act of August 6, 1956 (70 Stat.
24 1058), (as amended by the Acts of September 14, 1959

1 (73 Stat. 554), and September 18, 1964 (78 Stat. 954))

2 is further amended as follows:

3 (1) By striking “ten cubic feet” both places it
4 appears and inserting “17 cubic feet”.

5 (2) By adding at the end the following: “The
6 cost of facilities, and the costs of operating and
7 maintaining the same, as properly allocable to this
8 minimum release shall be nonreturnable and nonre-
9 imburseable under Federal reclamation laws. Without
10 further action by the Secretary, seven of the 17
11 cubic feet per second minimum release shall also
12 serve as mitigation for City of Prineville ground-
13 water pumping, pursuant to and in a manner con-
14 sistent with Oregon State law. As such, the Sec-
15 retary is authorized to make applications to the
16 State of Oregon in conjunction with the City to pro-
17 tect these supplies instream. If the State of Oregon
18 does not allow for use of the released water to serve
19 as mitigation, then at the request of the City, the
20 Secretary shall provide the City up to seven cubic
21 feet per second of the minimum release for munic-
22 ipal purposes. The Secretary is authorized to con-
23 tract exclusively with the City for additional
24 amounts in the future at the request of the City.”.

1 **SEC. 4. FIRST FILL PROTECTION.**

2 The Act of August 6, 1956 (70 Stat. 1058), as
3 amended by the Acts of September 14, 1959 (73 Stat.
4 554), and September 18, 1964 (78 Stat. 954), is further
5 amended by adding at the end the following:

6 “SEC. 6. Other than the 17 cubic feet per second re-
7 lease provided for in section 4, and subject to compliance
8 with the Army Corps of Engineers’ flood curve require-
9 ments, the Secretary shall, on a “first fill” priority basis,
10 store in and release from Prineville Reservoir, whether
11 from carryover, infill, or a combination thereof, the fol-
12 lowing:

13 “(1) 68,273 acre feet of water annually to fulfill
14 all 16 Bureau of Reclamation contracts existing as
15 of January 1, 2011.

16 “(2) Not more than 10,000 acre feet of water
17 annually, to be made available to the North Unit Ir-
18 rigation District pursuant to a Temporary Water
19 Service Contract, upon the request of the North
20 Unit Irrigation District, consistent with the same
21 terms and conditions as prior such contracts be-
22 tween the District and the Bureau of Reclamation.

23 “SEC. 7. Except as otherwise provided in this Act,
24 nothing in this Act—

1 “(1) modifies contractual rights that may exist
2 between contractors and the United States under
3 Reclamation contracts;

4 “(2) amends or reopens contracts referred to in
5 paragraph (1); or

6 “(3) modify any rights, obligations, or require-
7 ments that may be provided or governed by Oregon
8 State law.”.

9 **SEC. 5. OCHOCO IRRIGATION DISTRICT.**

10 (a) **EARLY REPAYMENT.**—Notwithstanding section
11 213 of the Reclamation Reform Act of 1982 (43 U.S.C.
12 390mm), any landowner within Ochoco Irrigation District
13 in Oregon, may repay, at any time, the construction costs
14 of the project facilities allocated to that landowner’s lands
15 within the district. Upon discharge, in full, of the obliga-
16 tion for repayment of the construction costs allocated to
17 all lands the landowner owns in the district, those lands
18 shall not be subject to the ownership and full-cost pricing
19 limitations of the Act of June 17, 1902 (43 U.S.C. 371
20 et seq.), and Acts supplemental to and amendatory of that
21 Act, including the Reclamation Reform Act of 1982 (43
22 U.S.C. 390aa et seq.).

23 (b) **CERTIFICATION.**—Upon the request of a land-
24 owner who has repaid, in full, the construction costs of
25 the project facilities allocated to that landowner’s lands

1 owned within the district, the Secretary of the Interior
2 shall provide the certification provided for in subsection
3 (b)(1) of section 213 of the Reclamation Reform Act of
4 1982 (43 U.S.C. 390mm(b)(1)).

5 (c) CONTRACT AMENDMENT.—On approval of the
6 district directors and notwithstanding project authorizing
7 legislation to the contrary, the district's reclamation con-
8 tracts are modified, without further action by the Sec-
9 retary of the Interior, to—

10 (1) authorize the use of water for instream pur-
11 poses, including fish or wildlife purposes, in order
12 for the district to engage in, or take advantage of,
13 conserved water projects and temporary instream
14 leasing as authorized by Oregon State law;

15 (2) include within the district boundary ap-
16 proximately 2,742 acres in the vicinity of McKay
17 Creek, resulting in a total of approximately 44,937
18 acres within the district boundary;

19 (3) classify as irrigable approximately 685 acres
20 within the approximately 2,742 acres of included
21 lands in the vicinity of McKay Creek, where the ap-
22 proximately 685 acres are authorized to receive irri-
23 gation water pursuant to water rights issued by the
24 State of Oregon and have in the past received water
25 pursuant to such State water rights; and

1 (4) provide the district with stored water from
2 Prineville Reservoir for purposes of supplying the
3 approximately 685 acres of lands added within the
4 district boundary under paragraph (2).

5 (d) LIMITATION.—Except as otherwise provided in
6 subsections (a) and (c), nothing in this section shall be
7 construed to—

8 (1) modify contractual rights that may exist be-
9 tween the District and the United States under the
10 District’s Reclamation contracts;

11 (2) amend or reopen the contracts referred to
12 in paragraph (1); or

13 (3) modify any rights, obligations or relation-
14 ships that may exist between the District and its
15 landowners as may be provided or governed by Or-
16 egon State law.

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